

IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

**ORDER AMENDING RULE 58A
OF THE COURT OF COMMON PLEAS
RULES OF CIVIL PROCEDURE**

This 26th day of April 2002, IT IS ORDERED that:

- 1) Court of Common Pleas Civil Rule 58A is amended by deleting the existing rule in its entirety and substituting therefore the following:

Rule 58A. Transfer of judgment to Superior Court.

- (a) Motion not Required. Judgments entered into the judgment docket in the Court of Common Pleas shall not constitute a lien upon real estate pursuant to 10 Del. C. § 1325, but the judgment creditor may file a duly certified transcript of the docket entries of the judgment in the Office of the Prothonotary of the Superior Court. The Prothonotary, without necessity of a motion or an order, shall enter in his or her judgment docket the names of the parties, the amount of the judgment, the name of the court in which the judgment was recovered, the time from which interest runs and the amount of the costs, with the true date of filing and entry. The judgment, so transferred, shall, from that date, become a lien on all the real estate of the debtor in the county in the same manner and as fully as judgments rendered in the Superior Court as liens, and may be executed and enforced in the same manner as judgments of the Superior Court.
- (b) Effect of Filing Transcript. The filing of a transcript with the Prothonotary constitutes a transfer of the judgment to the Superior Court.
- (c) Retention of Jurisdiction. The Court of Common Pleas shall retain jurisdiction for purposes of all post-judgment proceedings with the exception of execution upon the judgment and/or sale of real estate property.

- 2) This amendment shall be effective June 24, 2002.
- 3) An original of this Order shall be filed with the Clerk for each county.

Chief Judge

Judge

Judge

Judge

Judge

Judge

Judge

Judge

Judge